

1 MORRISON & FOERSTER LLP
2 MICHAEL A. JACOBS (Bar No. 111664)
mjacobs@mofo.com
3 MARC DAVID PETERS (Bar No. 211725)
mdpeters@mofo.com
4 DANIEL P. MUINO (Bar No. 209624)
dmuino@mofo.com
5 755 Page Mill Road, Palo Alto, CA 94304-1018
Telephone: (650) 813-5600 / Facsimile: (650) 494-0792

6 BOIES, SCHILLER & FLEXNER LLP
DAVID BOIES (Admitted *Pro Hac Vice*)
dboies@bsfllp.com
7 333 Main Street, Armonk, NY 10504
Telephone: (914) 749-8200 / Facsimile: (914) 749-8300

8 STEVEN C. HOLTZMAN (Bar No. 144177)
sholtzman@bsfllp.com
9 FRED NORTON (Bar No. 224725)
fnorton@bsfllp.com
10 1999 Harrison St., Suite 900, Oakland, CA 94612
Telephone: (510) 874-1000 / Facsimile: (510) 874-1460

11 ALANNA RUTHERFORD (Admitted *Pro Hac Vice*)
575 Lexington Avenue, 7th Floor, New York, NY 10022
Telephone: (212) 446-2300 / Facsimile: (212) 446-2350 (fax)

12 ORACLE CORPORATION
DORIAN DALEY (Bar No. 129049)
dorian.daley@oracle.com
DEBORAH K. MILLER (Bar No. 95527)
deborah.miller@oracle.com
MATTHEW M. SARBORARIA (Bar No. 211600)
matthew.sarboraria@oracle.com
500 Oracle Parkway, Redwood City, CA 94065
Telephone: (650) 506-5200 / Facsimile: (650) 506-7114

13 *Attorneys for Plaintiff*
14 ORACLE AMERICA, INC.

15 ORACLE AMERICA, INC.

16 Plaintiff,

17 v.

18 GOOGLE, INC.

19 Defendant.

20 Case No. CV 10-03561 WHA

21 **CORRECTED DECLARATION OF
MEREDITH DEARBORN IN SUPPORT OF
ORACLE AMERICA, INC.'S MOTION TO
EXCLUDE PORTIONS OF THE RULE 706
EXPERT REPORT OF DR. JAMES KEARL**

22 Dept.: Courtroom 8, 19th Floor
23 Judge: The Honorable William Alsup

1 I, Meredith Dearborn, declare as follows:

2 1. I am an associate with the law firm of Boies, Schiller & Flexner LLP, attorneys for
3 plaintiff Oracle America, Inc. in the above captioned matter, and admitted to practice before this
4 Court.

5 2. I make this declaration based on my own personal knowledge. If called as a witness, I
6 could and would testify competently as to the matters set forth herein.

7 3. Attached hereto as **Exhibit A** is a true and correct copy of the Expert Report of Dr. Alan
8 J. Cox as updated on dated April 15, 2012. **[SUBMITTED UNDER SEAL]**

9 4. Attached hereto as **Exhibit B** is a true and correct copy of excerpts from the deposition
10 transcript of Andrew Rubin, dated April 27, 2012. **[SUBMITTED UNDER SEAL]**

11 5. I requested that Google agree to file these two exhibits in the public record, but Google's
12 counsel refused.

13 I declare under penalty of perjury that the foregoing is true and correct and that this
14 declaration was executed on May 2, 2012 at San Francisco, California.

15
16 By: /s/ Meredith Dearborn
17 Meredith Dearborn

ATTESTATION OF FILER

I, Steven C. Holtzman, have obtained Meredith Dearborn's concurrence to file this document on her behalf.

Dated: May 2, 2012

BOIES, SCHILLER & FLEXNER LLP

By: /s/ Steven C. Holtzman
Steven C. Holtzman

Attorneys for Plaintiff
ORACLE AMERICA, INC.

B O I E S , S C H I L L E R & F L E X N E R L L P
O A K L A N D , C A L I F O R N I A